

Appl. No.: 10/752,926
Amdt. Dated: January 12, 2007
Reply of Office action of October 31, 2006

Docket No. BOOS-11199

REMARKS

Claims 1-13 and 15-20 are currently pending in the application. Applicants have canceled claim 14 and amended claims 1, 2, 5-9, 11 and 15. Applicants request reconsideration of the application in light of the following remarks.

Telephone Interview

Applicant's representative wishes to thank the Examiner for his courtesy and time during a telephone interview that was held on January 10, 2007. The Examiner's comments and insight were very helpful in preparing this response. During the interview, the Examiner indicated that the proposed amendment would overcome the art of record. It is hoped that the comments below reflect the spirit of the interview.

Rejections under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Koenig (U.S. Publication No. 2002/0021258, hereinafter "Koenig"). Applicant respectfully traverses this rejection and requests reconsideration of the claims. Please note that the Koenig publication was published Feb. 21, 2002 and the filing date of the present

application is Jan. 7, 2004. Therefore, Applicant believes that the rejection should have been under 35 U.S.C. § 102(b).

Claims 1 and 6 have been amended to state, *inter alia*, that an overall length of the data display member is adjustable by adding or removing one or more of a plurality of intermediate portions. The Examiner alleges that Koenig teaches a data display member. The data display members (elements 41 and 42 in Fig. 1) taught by Koenig are side screens that may be used to display three distinct images or a continuous graphic panoramic view (see Koenig, paragraph [0032]). Koenig does not teach or suggest that the lengths of the side screens are adjustable or that the side screens comprise a plurality of removable intermediate portions. For at least these reasons, the 35 U.S.C. § 102(e) rejection of claims 1 and 6 has been overcome. Applicant respectfully requests that the anticipation rejection of claims 1 and 6 be withdrawn.

The above argument regarding claims 1 and 6 applies with equal force to claims 2-5, 7-10 and 15-20, which depend from claims 1 or 6. Thus, claims 1-10 and 15-20 are not anticipated by Koenig and should therefore be found to be allowable.

Regarding claims 4 and 8, the Examiner alleges that Koenig shows the data entry device being a wireless device. However, claims 4 and 8 also recite “said data display member having a wireless receiver for receiving the information transmitted by said wireless transmitter.” The Examiner does not address this recitation, nor does Koenig teach “said data display member having a wireless receiver for receiving the information transmitted by said wireless transmitter.” For at least this reason, Applicant respectfully requests that the 35 U.S.C. § 102(e) rejection of claims 4 and 8 be withdrawn.

Regarding claim 11, the Examiner does not address claim 11. Specifically, claim 11 recites that “each one of said pair of data display members further comprises a selection means for adjusting an orientation of text being displayed for a vertical orientation when said

data display member is coupled to a vertical side of the video display monitor or a horizontal orientation when said data display member is coupled to a horizontal side of the video display monitor.” Koenig does not teach or suggest that the data display member can be coupled to a horizontal side of the video display monitor. In addition, Koenig does not teach or suggest a selection means for adjusting an orientation of text being displayed on the data display member. For at least these reasons, Applicant respectfully requests that the 35 U.S.C. § 102(e) rejection of claim 11 be withdrawn.

The above argument regarding claim 11 applies with equal force to claims 12 and 13, which depend from claim 11. Thus, claims 11-13 are not anticipated by Koenig and should therefore be found to be allowable.

Regarding claim 15, the Examiner alleges that Koenig shows a bracket to couple the data display member to the video display monitor. However, claim 15 also includes “at least one slot array positioned on a back wall of said housing of said data display member, said slot array providing multiple interface points between said tab portion and said housing of said data display member, said tab portion being selectively receivable in a selected one of said interface points.” The Examiner does not address this recitation, nor does Koenig teach this recitation. For at least this reason, Applicant respectfully requests that the 35 U.S.C. § 102(e) rejection of claim 15 be withdrawn.

The above argument regarding claim 15 applies with equal force to claims 16-18, which depend from claim 15. Thus, claims 15-18 are not anticipated by Koenig and should therefore be found to be allowable.

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Indication of Allowable Subject Matter

The Examiner objected to claims 19 and 20 as being dependent upon a rejected base claim, but indicated these claims would be allowable if rewritten in independent form. Applicant wishes to thank the Examiner for this indication of allowable subject matter.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Given the foregoing shortcomings of Koenig, it is respectfully submitted that the reference fails to disclose or suggest the invention of claims 1-18. Accordingly, withdrawal of the rejections under 35 U.S.C. §102(e) is respectfully requested.

Applicant has made an earnest effort to place their application in proper form and to distinguish their claimed invention from the applied prior art. In view of the foregoing remarks, it is respectfully submitted that the present claims describe an electronic memorandum system that meets the requirements of patentability. Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case.

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Claim 11 has been amended to be independent, thereby adding 1 new independent claim, for a total of 3 independent claims. Applicant believes that the additional independent claim does not require extra fees since there are only 3 total independent claims.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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